

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

**DIANNAH LEWIS
WILLIAM CREWS
AUBREY LEWIS
CARL TILGHMAN
JULIAN M. AMBROSE**

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Case number: 06cr215 RWT
06cr216 RWT
06cr218 RWT
06cr219 RWT
06cr438 RWT

CERTIFICATION ORDER

For the reasons set forth in the accompanying Memorandum Opinion, it is, this 15th day of June 2007, by the United States District Court for the District of Maryland,

ORDERED, pursuant to Maryland Code (1973, 2006 Repl. Vol.), § 12-603 of the Courts and Judicial Proceedings Article, that the following questions of law are hereby certified to the Court of Appeals of Maryland:

1. Do the terms “used by the public” contained in the definition of “highway” in § 11-127 and in the private roads provisions of § 21-101.1(b)(1) of the Transportation Article of the Maryland Code require the unrestricted right of the public to the use of a highway or private property, as opposed to the fact of use of a highway or private property by the public?
2. If the terms “used by the public” as contained in the foregoing sections of the Transportation Article requires that the public have a right, as opposed to the fact, of use, what level of restrictions, if any, may be imposed on the public before a highway or private property loses its character as one “used by the public”?

ORDERED, that the United States of America shall be treated as the Appellant in the certification procedure before the Court of Appeals of Maryland; and it is further

ORDERED, that the Clerk of this Court is directed to send the original and seven (7) copies of the Memorandum Opinion and of this Order under the official seal of this Court to the Clerk of the Court of Appeals of Maryland; and it is further

ORDERED, that the United States of America shall provide a check to the Clerk of this Court payable to the Clerk of the Court of Appeals of Maryland for the filing fee for docketing regular appeals as required by Maryland Rule 8-305(b); and it is further

ORDERED, that the Clerk of this Court shall prepare and transmit to the Clerk of the Court of Appeals of Maryland a copy of the docket entries for the above appeals, together with a copy of all pleadings filed to date; and it is further

ORDERED, that all further proceedings in these appeals are STAYED pending the receipt of the written opinion of the Court of Appeals of Maryland stating the law governing the questions certified; and it is further

ORDERED, that these cases are ADMINISTRATIVELY CLOSED pending written receipt of the written opinion of the Court of Appeals of Maryland.

/s/
ROGER W. TITUS
UNITED STATES DISTRICT JUDGE